

FILED

09 MAY -1 PM 12:06

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

U.S. DISTRICT COURT
N.D. ALABAMA

LINDA B. UNDERWOOD

)

Plaintiff,

)

No. _____**v.**

)

**ACXIOM CORPORATION,
TRANS UNION, LLC,**

)

CV-09-P-0855-W

Defendants.

)

NOTICE OF REMOVAL

Defendant Trans Union LLC (“Trans Union”), by its attorneys, hereby removes this action from the District Court of Greene County, Alabama to the United States District Court for the Northern District of Alabama, Western Division pursuant to 28 U.S.C. § 1441(b). In support thereof, Trans Union states as follows:

1. On or about March 26, 2009, a civil action entitled Linda B. Underwood v. Acxiom Corporation; Trans Union LLC, Case No. 35-DV-2009-900009.00, was filed in the District Court of Greene County, Alabama. A Summons to Trans Union was issued on April 17, 2009. A copy of the Complaint and Summons is attached hereto as Exhibit 1.
2. Trans Union was served with a copy of the Complaint and Summons on April 20, 2009, by certified mail.
3. The Complaint (¶ 2) alleges that Plaintiff brings this action “under the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.*” The Complaint (¶¶ 4, 7) further alleges that the “Defendants negligently and/or willfully violated the provisions of the [Fair Credit Reporting Act]” when they allegedly distributed “Target Marketing lists and/or other related information concerning Firm Offer claims.” The Complaint (¶ 3) further defines “Firm Offer” by referencing

15 U.S.C. § 1681b(c) of the Fair Credit Reporting Act. The Complaint, therefore, unequivocally and specifically alleges a cause of action under the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

4. The Complaint (¶ 1) also alleges: “The Plaintiff is a class member in In Re: TransUnion Corporation Privacy Litigation, DL 1350, Master Case No. 00-CV-4729 in the United States District Court of Illinois, Eastern Division (hereinafter known as Settlement Fund Action).” The Complaint (¶ 5) cites “the Final Approval of the Settlement Fund Action” as the basis for the averment that the Complaint is timely filed. Therefore, the application, scope and interpretation of the referenced Stipulation of Settlement and related court orders filed within the referenced federal Multi-District Litigation proceedings are put at issue by the Complaint.

5. This Court has original jurisdiction over this action under 15 U.S.C. § 1681p (establishing federal court jurisdiction for claims brought under the Fair Credit Reporting Act) and 28 U.S.C. § 1331 (establishing federal question jurisdiction). Consequently, this action may be removed to this Court by Trans Union under 28 U.S.C. § 1441(b) because this lawsuit is founded on the laws of the United States.

6. Under 28 U.S.C. § 1446(b), this Notice of Removal is timely because it has been filed within thirty (30) days of Trans Union’s receipt of the initial pleading setting forth Plaintiff’s claim for relief upon which this action is based.

7. Pursuant to 28 U.S.C. § 1446(a), Trans Union has attached to this Notice of Removal copies of all process, pleadings, and orders served upon it, the removing Defendant in this action.

8. By filing this Notice of Removal, Trans Union does not waive any defenses to the claims asserted by Plaintiff which may be available to it, or concede that Plaintiff has stated any claim upon which relief can be granted.

9. Trans Union further represents that this Notice of Removal will be served on Plaintiff as indicated on the attached Certificate of Service.

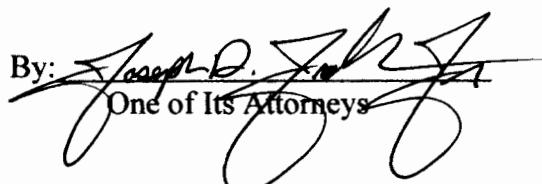
10. A copy of this Notice of Removal will be filed with the District Court of Greene County, Alabama.

11. Co-defendant Acxiom Corporation has consented to Trans Union's filing of this Notice of Removal.

Date: May 1, 2009

Respectfully submitted,

TRANS UNION LLC

By: 
One of Its Attorneys

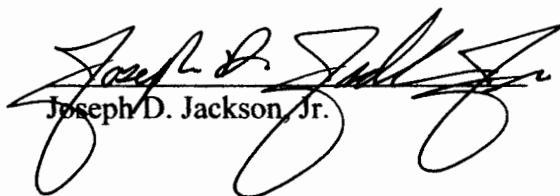
Charles A. Dauphin
Joseph Jackson
Baxley, Dillard, Dauphin, McKnight & Barclift
2008 Third Avenue S.
Birmingham, AL 35233
T: 205.271.1100
F: 205.271.1108

Michael O'Neil (ARDC No. 06201736)
DLA Piper LLP (US)
203 N. LaSalle Street
Suite 1900
Chicago, IL 60601
T: 312.368.4000
F: 312.236.7516

CERTIFICATE OF SERVICE

I, hereby certify that on May 1, 2009, I caused a true and correct copy of the foregoing ***Notice of Removal*** to be served on the following party at the indicated address by First Class United States Mail:

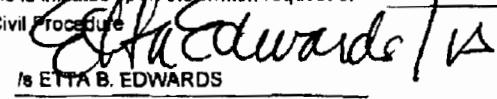
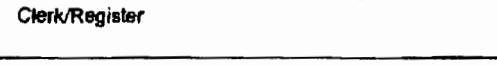
Brandon L. Blankenship
2001 Park Place Tower, Suite 825
Birmingham, Alabama 35203



Joseph D. Jackson, Jr.

A handwritten signature in black ink, appearing to read "Joseph D. Jackson, Jr." The signature is fluid and cursive, with "Joseph" on top, "D." in the middle, and "Jackson, Jr." on the bottom right.

EXHIBIT 1

State of Alabama Unified Judicial System Form C-34 Rev 6/08	SUMMONS - CIVIL -	Case Number: 35-DV-2009-900009.00								
IN THE CIVIL COURT OF GREENE, ALABAMA LINDA B. UNDERWOOD v. ACXIOM CORPORATION ET AL										
<small>TRANSUNION, L.L.C., PRENTICE HALL CORP. SYS. 150 SO. PERRY ST., MONTGOMERY AL. 36104</small>										
NOTICE TO <p>THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY BRANDON LEE BLANKENSHIP</p> <p>WHOSE ADDRESS IS <u>POST OFFICE BOX 13067, BIRMINGHAM AL. 35202</u></p> <p>THE ANSWER MUST BE MAILED WITHIN 14 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.</p> <p>TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:</p>										
<p><input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant</p> <p><input checked="" type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of <u>LINDA B. UNDERWOOD</u> pursuant to the Alabama Rules of the Civil Procedure</p> <p></p> <p></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Date</td> <td style="width: 15%; text-align: center;">3/26/2009 4:07:08 PM</td> <td style="width: 15%; text-align: center;">/s ETTA B. EDWARDS</td> <td style="width: 55%;"></td> </tr> <tr> <td></td> <td></td> <td>Clerk/Register</td> <td>By</td> </tr> </table> <p></p> <p><input checked="" type="checkbox"/> Certified/mail is hereby requested GREENE COUNTY, ALABAMA</p> <p><input type="checkbox"/> Plaintiff's/Attorney's Signature</p>			Date	3/26/2009 4:07:08 PM	/s ETTA B. EDWARDS				Clerk/Register	By
Date	3/26/2009 4:07:08 PM	/s ETTA B. EDWARDS								
		Clerk/Register	By							
<p>RETURN ON SERVICE:</p> <p><input type="checkbox"/> Return receipt of certified mail received in this office on _____</p> <p><input type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to _____</p> <p>_____ in _____ County, Alabama on _____</p>										
Date	Server's Signature									

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 35-DV-2009-900009.00
IN THE CIVIL COURT OF GREENE, ALABAMA LINDA B. UNDERWOOD v. ACXIOM CORPORATION ET AL		
<small>TRANSUNION, L.L.C., PRENTICE HALL CORP. SYS. 150 SO. PERRY ST., MONTGOMERY AL. 36104</small>		
NOTICE TO <hr/> <p>THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPONING PARTY'S ATTORNEY <u>BRANDON LEE BLANKENSHIP</u></p> <p>WHOSE ADDRESS IS <u>POST OFFICE BOX 13067, BIRMINGHAM AL, 35202</u></p> <hr/> <p>THE ANSWER MUST BE MAILED WITHIN 14 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.</p> <p>TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:</p>		
<p><input type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant</p> <p><input checked="" type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of <u>LINDA B. UNDERWOOD</u> pursuant to the Alabama Rules of the Civil Procedure</p> <p><i>Ella Edwards /vs</i></p> <p>3/26/2009 4:07:08 PM /s ETTA B. EDWARDS</p> <p>Date <u>APR 17 2009</u> Clerk/Register By _____</p>		
<p><input checked="" type="checkbox"/> Certified mail is hereby requested</p> <p>/s BRANDON LEE BLANKENSHIP Plaintiff's/Attorney's Signature</p>		
RETURN ON SERVICE: <p><input type="checkbox"/> Return receipt of certified mail received in this office on _____</p> <p><input type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to _____</p> <p>_____ in _____ County, Alabama on _____</p> <p>Date _____ Server's Signature _____</p>		

ELECTRONICALLY FILED
3/26/2009 4:07 PM
DV-2009-900009.00
CIRCUIT COURT OF
GREENE COUNTY, ALABAMA
ETTA B. EDWARDS, CLERK

IN THE DISTRICT COURT OF GREENE COUNTY, AL

LINDA B. UNDERWOOD (Plaintiff), vs. ACXIOM CORPORATION; TRANSUNION L.L.C., et al. (Defendants)

CASE NO: _____

COMPLAINT

1. **INTRODUCTION:** The Plaintiff is a class member in In Re: TransUnion Corporation Privacy Litigation, MDL 1350, Master Case No. 00-CV-4729 in the United States District Court of Illinois, Eastern Division (hereinafter known as Settlement Fund Action).
2. This action is brought under the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (hereinafter known as FCRA).
3. Target Marketing is a practice wherein consumers are identified by, among other criteria, targeted financial criteria and/or demographic traits for the purpose of selling and/or advertising goods and/or services, or soliciting charitable and/or political contributions, directly to consumers by mail, telephone and/or other means. A Firm Offer means an offer of credit and/or insurance to a consumer regulated by Section 604(c) of the FCRA [16 U.S.C. § 1681b(c)].
4. The Defendants distributed Target Marketing lists and/or other related information concerning Firm Offer claims and/or concerning the Plaintiff. Defendants profited from their actions and the Plaintiff was not compensated for the use of personal information.
5. The instant action is filed within two (2) years of the Final Approval of the Settlement Fund Action and is therefore timely filed.
6. **PARTIES:** The Plaintiff is a consumer who had an open credit account and/or an open line of credit from a credit grantor located in the United States at any time during the period 01 JANUARY 1987 to 28 MAY 2008. The Plaintiff is not related to Acxiom Corporation or TransUnion L.L.C., their predecessors, affiliates, subsidiaries, officers, directors and/or employees. The Plaintiff is not counsel for any of the parties in the Settlement Fund Action. The Plaintiff was not a judge or justice assigned to hear any aspect of the Settlement Fund Action, nor their staff, the spouses of the foregoing, or any child residing in their households.
7. The Defendants negligently and/or wilfully violated the provisions of FCRA; invaded the Plaintiff's privacy and were unjustly enriched as a result.
8. The Plaintiff was proximately injured by the Defendants' actions.

WHEREFORE, BASED ON THE FOREGOING, the Plaintiff demands judgment against each named Defendant, separately and severally, for compensatory and punitive damages in an amount to be determined by the Court, plus costs, along with such other, further and/or different relief to which the Plaintiff may be entitled.

Done this 26th day of March , 2009.

Respectfully submitted,

/s/ Brandon L. Blankenship

Brandon L. Blankenship (BLA 116)
Attorney for the Plaintiff
2001 Park Place North, Suite 825
Birmingham, AL 35203-2774
(205) 912-8241

SUMMONS

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY EITHER RULES 4.1(B)(2) OF THE ALABAMA RULES OF CIVIL PROCEDURE TO PERFECT SERVICE: YOU ARE HEREBY COMMANDED TO SERVE THIS SUMMONS AND COMPLAINT ON THE ABOVE NAMED DEFENDANTS.

NOTICE TO THE DEFENDANTS

THE COMPLAINT SET OUT ABOVE IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU ARE REQUIRED TO MAIL OR HAND DELIVER A COPY OF A WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT, TO THE PLAINTIFF (OR THE ATTORNEY FOR THE PLAINTIFF), AT THE ADDRESS NOTED ABOVE. THIS ANSWER MUST BE MAILED OR HAND DELIVERED TO THE CLERK OF THE COURT AT THE ADDRESS BELOW WITHIN FOURTEEN (14) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU, OR A JUDGMENT IN DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY AND/OR OTHER THINGS MADE IN THE COMPLAINT. (YOU MUST FILE THE ORIGINAL ANSWER WITH THE CLERK OF THIS COURT).

Date: _____

Clerk of the Court
Post Office Box 307
Eutaw, AL 35462-0307

State of Alabama Unified Judicial System Form AR Civ-83 Rev. 5/99	COVER SHEET DISTRICT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case Number: 35-DV-2009- Date of Filing: 03/26/2009	ELECTRONICALLY FILED 3/26/2009 4:07 PM DV12009-900009.00 CIRCUIT COURT OF GREENE COUNTY, ALABAMA ETTA B. EDWARDS, CLERK
GENERAL INFORMATION			
IN THE DISTRICT OF GREENE COUNTY, ALABAMA LINDA B. UNDERWOOD v. ACXIOM CORPORATION ET AL			
First Plaintiff: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other	First Defendant: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
NATURE OF SUIT:			
<input type="checkbox"/> CTEM-Contempt of Court <input type="checkbox"/> CONT-Contract/Ejectment/Writ of Seizure <input type="checkbox"/> AUTO-Autodamages/Subrogation/Promissory Note <input type="checkbox"/> DISP-Non-Account Dispute: Roomate/Neighbor/Animal <input type="checkbox"/> EVIC-Eviction <input checked="" type="checkbox"/> GDAM-General Damages <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> RECP-Recover Property <input type="checkbox"/> DVXX-Miscellaneous District Civil Case <input type="checkbox"/> TOXX - Other: _____			
ORIGIN: <input checked="" type="checkbox"/> INITIAL FILING <input type="checkbox"/> REMANDED		<input type="checkbox"/> OTHER _____	
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED			
ATTORNEY CODE: BLA116		3/26/2009 4:05:58 PM <i>/s BRANDON LEE BLANKENSHIP</i>	
MEDIATION REQUESTED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Undecided			



ELECTRONICALLY FILED
5/1/2009 11:41 AM
DV-2009-900009.00
CIRCUIT COURT OF
GREENE COUNTY, ALABAMA
ETTA B. EDWARDS, CLERK

IN THE DISTRICT COURT OF GREENE COUNTY, ALABAMA

LINDA B. UNDERWOOD)
Plaintiff,)
v.)
ACXIOM CORPORATION,)
TRANS UNION, LLC,)
Defendants.)

NOTICE OF REMOVAL TO GREENE COUNTY CLERK

To: Etta B. Edwards
Greene County Clerk
P.O. Box 307
Eutaw, Alabama 35462-0307

You are hereby notified that, under 28 U.S.C. §§ 1441 and 1446, Defendant Trans Union, LLC in the above-styled action has, on May 1, 2009, filed in the United States District Court for the Northern District of Alabama, Western Division, its Notice of Removal of this action to the United States District Court. Co-defendant Axiom Corporation has consented to Trans Union's Notice of Removal. A true and accurate copy of the Notice of Removal, with exhibits, is attached hereto as Exhibit 1 and is filed concurrently with this Court as required by law.

Date: May 1, 2009

Respectfully submitted,

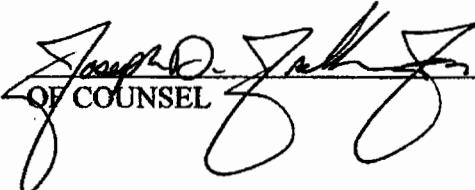
Charles A. Dauphin (DAU001)
Joseph D. Jackson, Jr. (JAC081)
Attorneys for Trans Union, LLC

OF COUNSEL:
Baxley, Dillard, Dauphin,
McKnight & James
2008 Third Avenue South
Birmingham, Alabama 35233
T: (205) 271-1100
F: (205) 271-1108

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2009, I caused a true and correct copy of the foregoing **Notice of Removal to Greene County Clerk** to be served on the following party at the indicated address by First Class United States Mail:

Brandon L. Blankenship
2001 Park Place Tower, Suite 825
Birmingham, Alabama 35203


OF COUNSEL